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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,955	12/05/2001	Carl Phillip Gusler	AUS920010953US1	7869
35525	7590	02/16/2005	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			TRAN, NGHI V	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/004,955	GUSLER ET AL.	
	Examiner	Art Unit	
	Nghi V Tran	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☒ Claim(s) 9,21 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/11/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claims 9, 21, and 33 are objected to because of the following informalities:
"wherein the at least one..., a ranked list of most frequent ..., a data/time distribution ... instant messages, tracking of contact ..." is understood for --wherein the at least one..., a ranked list of most frequent ..., a data or time distribution ... instant messages, and tracking of contact ...-- (emphasis added). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-5, 8-17, 20-29, and 32-36 is rejected under 35 U.S.C. 102(e) as being anticipated by Gatz et al., U.S. Patent Application Publication No. 2002/0049806 (hereinafter Gatz).

5. With respect to claims 1, 13, and 25, Gatz teaches a method of monitoring use of an instant messaging user account (see abstract and figures 2-3), comprising:

- receiving an instant message (paragraph 0044-0045);
- determining if a transcript of the instant message is to be stored (paragraph 0015);
- storing the transcript of the instant message in a storage device (paragraph 0047) if a transcript of the instant message is to be stored (paragraph 0049); and
- providing the transcript to a designated monitor of the instant messaging user account (paragraph 0049 i.e. "allow parental monitoring of such activity").

6. With respect to claims 2, 14, and 26, Gatz further teaches implemented in an instant messaging service provider (202) of a distributed data processing system (paragraph 0047).

7. With respect to claims 3, 15, and 27, Gatz further teaches implemented in a network service provider (316) of a distributed data processing system (i.e. user

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computer (212) connected via ISP “not shown”, where user computer is communicated between user computer and ISP, which is inherent).

8. With respect to claim 4, 16, and 28, Gatz further teaches implemented in a client device (212) of a distributed data processing system (paragraph 0042).

9. With respect to claims 5, 17, and 29, Gatz further teaches analyzing (“logic for verifying”) the transcript to identify at least one characteristic of the transcript (“email blacklist, friend buddy lists, or instant message ignore list”), wherein providing the transcript to a designated monitor of the instant messaging user account includes providing information regarding the at least one characteristic of the transcript to the designated monitor (paragraphs 0015, 0071 and 0081).

10. With respect to claims 9, 21, and 33, Gatz further teaches the at least one characteristic includes at least one of a ranked list of user identifications for most frequent incoming instant messages, a ranked list of user identifications for most frequent outbound target user identifications, a ranked list of most frequent recent incoming or outbound user identifications, a date/time distribution of instant messages, and tracking of contact patterns for a particular user identification (abstract and paragraphs 0033-0038 and 0081 i.e. tracking of contact patterns for a particular user identification is inherent as “the child account is shielded from receiving inappropriate material”).

11. With respect to claims 10, 22, and 34, Gatz further teaches analyzing the transcript includes filtering for text including at least one of proper names, addresses and phone numbers (abstract and paragraphs 0071 and 0081 i.e. proper names is inherent as "parent has established a particular friend group or buddy list).

12. With respect to claims 8, 20, and 32, Gatz further teaches providing the transcript to a designated monitor includes generating a web page through which the transcript is provided to the designated monitor (figures 6-19).

13. With respect to claims 11, 23, and 35, Gatz further teaches determining if a transcript of the instant message is to be stored includes: looking up a user identification of a source of the instant message in a user database (paragraph 0048); and determining if a transcript field indicates if a transcript is to be stored (paragraphs 0049 and 0086).

14. With respect to claims 12, 24, and 36, Gatz further teaches determining if a transcript of the instant message is to be stored further includes: looking up a user identification of a destination of the instant message in an approved contact list (paragraphs 0054-0056); and determining that a transcript is to be stored if the user identification of the destination does not appear in the approved contact list (paragraphs 0057-0059 and 0086).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 6-7, 178-19, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatz, as applied to claims 1, 13, and 25 above, and further in view of Donahue, U.S. Patent Application Publication No. 2002/0004907.

17. With respect to claims 6, 18, and 30, Gatz fails to teach providing the transcript to a designated monitor includes transmitting the transcript as an attachment to an electronic mail message.

In a method of monitoring, Donahue discloses providing the transcript to a designated monitor includes transmitting the transcript as an attachment to an electronic mail message (paragraphs 0013-0014).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Gatz in view of Donahue by transmitting the transcript as an attachment to an electronic mail message because this feature "may need to be converted, where possible, to a format containing text, and analyzed separately" (paragraph 0014). It is for this reason that one of ordinary skill in the art at

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the time of the invention would have been motivated to modify Gatz in view of Donahue in order to send or notify the parent (i.e. designated monitor) the log data (i.e. the transcript of his/her child) in efficient and costless.

18. With respect to claims 7, 19, and 31, Gatz fails to teach the electronic mail message is transmitted in response to a request from the designated monitor.

In a method of monitoring, Donahue discloses the electronic mail message is transmitted in response to a request from the designated monitor (paragraph 0006 i.e. The stored session can then be viewed, downloaded and/or deleted by the user which is inherent as the user "i.e. the designated monitor" requested the transmitted electronic mail message "i.e. stored sessions").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Gatz in view of Donahue by transmitting in response to request from designated monitor because this feature "may need to be converted, where possible, to a format containing text, and analyzed separately" (paragraph 0014). It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Gatz in view of Donahue in order to send or notify the parent (i.e. designated monitor) the log data (i.e. the transcript of his/her child) in efficient and costless.

Conclusion

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19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. "Monitoring users of a computer network," by Wick, U.S. Patent No. 6,691,162.
- b. "Server-side chat monitor," by Cottrille et al., U.S. Patent No. 6,076,100.
- c. "Method and apparatus for managing a peer-to-peer collaboration system," by Tierney et al., U.S. Patent Application Publication No. 2003/0235820.
- d. "Method and system for location tracking," by Thomas, U.S. Patent Application Publication No. 2003/0060212.
- e. "Method of remotely monitoring an Internet session," by Fertell et al., U.S. Patent Application Publication No. 2002/0032770.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

NT


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER